

**REMARKS**

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 1, 5, 9, and 12 are currently being amended.

Claims 13 through 21 are being added.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claims remain under examination in the application, is presented, with an appropriate defined status identifier.

**Amendments to the Claims**

After amending the claims as set forth above, claims 1–21 are now pending in this application. Claims 1 and 12 are being amended to better define the present invention. Claim 1 is being amended to remove “means” language directed to being “breakable” and instead positively recite “a weakened area in at least one of the first and second connection elements, the at least one connection element breakable at the weakened area in response to a shear force applied thereto.” Claim 12 is being amended to remove “means adapted to break . . .” and instead to positively recite a “weakened area . . . adapted to break upon application of a shear force.” Basis for these amendments can be found at least within the specification, e.g., at page 16, line 26 through page 17, line 9. Claims 5 and 9 are being amended to remove multiple dependencies.

New claims 13-14 are supported by at least the specification, e.g., at page 16, line 26 through page 17, line 9 and Figure 9. New claims 15-17 are being added in place of the multiple dependencies removed from claims 5 and 9. New claims 18-21 are directed to the method of claims 1 or 12. Basis for new claims 18-21 can be found at least within the specification, e.g., at

page 16, line 26 through page 17, line 9. The present amendment to the claims does not add new matter.

### **Amendments to the Specification**

The specification has been amended to insert section headings recommended in M.P.E.P. § 608.01(a). The specification has also been amended to reorder certain paragraphs as necessitated by insertion of the recommended headings. The present amendment to the specification does not add new matter.

### **Claim Objections**

The Examiner has objected to claims 1 and 12 for informalities in that these claims are not drafted in the proper format to invoke 112, 6<sup>th</sup> paragraph (means plus function).

Entry of the foregoing claim amendments overcomes the Examiner's objection of above-referenced claims under 35 U.S.C. § 112, sixth paragraph. Specifically, this rejection is mooted with respect to claims 1 and 12 as these claims have been amended to remove recitation of the term "means," with respect "making it breakable," adding instead a positive recitation of structure. Namely, amended claim 1 recites "a weakened area in at least one of the first and second connection elements, the at least one connection element breakable at the weakened area in response to a shear force applied thereto." Similarly, amended claim 12 recites a "weakened area . . . adapted to break upon application of a shear force." Accordingly, Applicants respectfully request reconsideration and withdrawal of the objections under 35 U.S.C. § 112, sixth paragraph.

### **Claim Rejections Under 35 U.S.C. § 102**

The Examiner rejected claims 1-6, 8-9, and 11-12 under 35 U.S.C. § 102(b) as allegedly anticipated by U.S. Patent No. 5868,433 to Matkovich (herinafter Matkovich). The Applicants traverse the rejection under 35 U.S.C. § 102(b) because claims 1-6, 8-9, and 11-12 as amended herein moot the Examiner's rejections pursuant to 35 U.S.C. § 102(b) for anticipation.

Specifically, the Applicants have amended base claim 1 to recite “a weakened area in at least one of the first and second connection elements, the at least one connection element breakable at the weakened area in response to a shear force applied thereto.” Similarly, the Applicants have amended base claim 12 to recite “weakened area . . . adapted to break upon application of a shear force.”

The Examiner states at that “Matkovich discloses a connection means with an element that is breakable” referring for support to Figure 1 of Matkovich. (Bottom of page 2 of the July 28, 2006 Action). As described by Matkovich, Figure 1 is an elevation view, in partial section, of disassembled components of a connector assembly. The connector assembly includes a female connector 100 and a male connector. It is unclear what part, if any, of the connector assembly is breakable. Matkovich does describe at col. 13, lines 36-38 a membrane assembly 270 that is pierceable by a stem 210. To the extent that the membrane assembly 270 is considered breakable, it is not breakable at the weakened area in response to a shear force applied thereto as now recited in the amended claims. A piercing force is different than a shear force. Accordingly, the Applicants respectfully request reconsideration and withdrawal of the 35 U.S.C. § 102(b) as the claims are limited to a connection assembly for transfer of fluid having a weakened area adapted to break upon application of a shear force. That is, Matkovich does not anticipate base claims 1 and 12 in the present application as it does not teach every limitation of the claimed invention.

Dependent claims 2-6, 8-9, and 11 depend directly or indirectly from base claim 1 and therefore include all of the limitations of claim 1 as amended herein. Accordingly, dependent claims 2-6, 8-9, and 11 are allowable for at least the same reasons set forth above with respect to claim 1.

### **Claim Rejections Under 35 U.S.C. § 103**

The Examiner has rejected claims 7 and 10 under 35 U.S.C. § 103(a) as being unpatentable over Matkovich. This reference allegedly teaches the claimed invention except for

the taper angle of 6 degrees, and the Examiner concludes that it would have been obvious for a skilled artisan to put a taper of 6 degrees on the connector of Matkovich to produce the claimed invention.

Applicants traverse the rejection under 35 U.S.C. § 103(a) because claims 7 and 10 as amended herein by their dependence from amended base claim 1 moot the Examiner's rejections pursuant to 35 U.S.C. § 103(a) for obviousness. To establish a prima facie case of obviousness, the prior art reference must teach or suggest all the claim limitations. As argued above with respect to the rejection under 35 U.S.C. § 102(b), Matkovich fails to disclose, teach, or suggest at least "a weakened area in at least one of the first and second connection elements, the at least one connection element breakable at the weakened area in response to a shear force applied thereto," as recited in amended base claim 1, from which dependent claims 7 and 10 indirectly depend.

Accordingly, the Applicants respectfully submit that 7 and 10 are not obvious in view of the prior art as detailed above.

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-3431, reference number 079777-0564. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-3431, reference number 079777-0564. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. § 1.136 and authorizes

payment of any such extensions fees to Deposit Account No. 50-3431, reference number 079777-0564.

Respectfully submitted,

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